

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 82 of 2000

with

CIVIL APPLICATION NO. 1185 OF 2000

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

and

Hon'ble MR.JUSTICE K.M.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : YES
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

NATIONAL INSURANCE CO. LTD.

Versus

DHANWANTIBEN NARAINDAS

RAMCHANDANI

Appearance:

MS LILU K BHAYA for Petitioner

MR RS PANJWANI for Respondents

CORAM : MR.JUSTICE J.N.BHATT

and

MR.JUSTICE K.M.MEHTA

Date of decision: 11/10/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Admit. Service of which is waived by Mr. R.S. Panchwani for the respondents. Leave to delete respondent No. 8 and 9. Upon joint request and considering the peculiar facts and special circumstances obtainable in this case, the appeal is taken up for final hearing today. We are also supplied with the copies of evidence relied upon by the Tribunal.

We have gone through the impugned award which forms part of the common judgement. The amount of compensation awarded by the Tribunal in common judgement to the respondents who are original claimants of Motor Accident Claim Petition No. 955 of 1991 is recorded on 11.10.1999 against the original claim of Rs. 8 lakhs. The relevant discussions in paragraph Nos. 17, 18 and 19 in the impugned common judgement, clearly, go to show that the respondents original claimants were depending wholly on the earnings of the deceased, the only, bread winner of the family whose life was cut short in the unfortunate road mishap. The deceased Naraindas Ramchandani was driving a motor taxi of his own at the relevant time on 23.4.1991 and when he reached near Tilakwada on Dabhoi-Baroda road at about 10.00 a.m. a motor truck bearing registration No. GJ-1-U-4729 dashed against the motor taxi of the deceased. As a result of which he sustained serious injuries and succumbed to the same culminating into claim of Rs. 8 lakhs before the Motor Accident Claims Tribunal (Main), Baroda. There were three claim petitions. All were consolidated, heard and decided by a common judgement. The assessment of amount of compensation of Rs. 6,24,400/- made by the Tribunal is founded upon the loss of dependency value of the deceased to the common family fund. The Tribunal has accepted the net contribution of the deceased to the common family fund at Rs. 3330/- per month and multiplier of 15 is adopted. Therefore, the amount of Rs. 5,99,400/- (Rs. 3330 x 12 x 15) is assessed under the head of loss of dependency value. In all the Tribunal has awarded an amount of Rs. 6,24,400/- with proportionate costs and interest at the rate of 12% per annum from the date of application till payment.

After having taken into consideration the facts and circumstances and fair submissions made by Mr. Panjwani that the amount of compensation may be rounded up to Rs. 6 lakhs and amount of Rs. 24,400/- may be deducted and the matter may be finalised, we consider that the submission is quite just, fair and reasonable. Therefore, upon the concession of the learned advocate for the respondents- original claimants, the amount of

compensation assessed by the Tribunal is reduced to round figure of Rs. 6 lakhs without disturbing the rate of interest. The impugned judgement and resultant award shall modified to that extent.

With the above observations, the appeal shall stand disposed of without any order of costs.

In view of the order passed in the main matter, no orders are passed on the Civil Application.

00000

(pkn)